

1 STATE OF NEW YORK : NASSAU COUNTY  
2 SUPREME COURT : PART 43

-----x

3 THE PEOPLE OF THE STATE OF NEW YORK,

4 -against-

INDICTMENT NO.  
742N/14

5 DANIEL RAMOS,

6 Defendant.

NYSID NO.  
9900205N

7 -----x

8 252 Old Country Road  
Mineola, N.Y. 11501

9 July 24, 2015

10 MINUTES OF SENTENCE

11  
12 B E F O R E: HON. TERESA K. CORRIGAN  
Acting Supreme Court Justice

13 A P P E A R A N C E S:

14 HON. MADELINE SINGAS  
15 Acting District Attorney of Nassau County  
16 BY: ANTHONY PERRI, ESQ.,  
Assistant District Attorney,  
17 Of Counsel, for the People

18 HON. KENT MOSTON  
NASSAU COUNTY LEGAL AID SOCIETY  
19 Attorney for the Defendant  
40 Main Street  
20 Hempstead, New York 11550  
BY: MICHAEL BERGER, ESQ.

21 ALSO PRESENT: Rodolfo Escalante,  
22 Official Spanish Interpreter

23  
24  
25 Cindy Kaye-Fink  
Senior Court Reporter

1 THE CLERK: Indictment 742N of 2014, People of  
2 the State of New York vs. Daniel Ramos. Appearances,  
3 for the record.

4 MR. PERRI: Assistant District Attorney  
5 Anthony Perri.

6 MR. BERGER: Michael Berger, Legal Aid  
7 Society.

8 THE CLERK: And you are Daniel Ramos?

9 THE DEFENDANT: Yes.

10 THE CLERK: And you appear with your attorney,  
11 Mr. Berger, who is seated at the defense counsel table  
12 with you?

13 THE DEFENDANT: Yes.

14 THE CLERK: Let the record reflect there is  
15 also a sworn Spanish interpreter present.

16 And sir, could you please put your appearance  
17 on the record.

18 THE INTERPRETER: Rodolfo Escalante, court  
19 interpreter.

20 THE CLERK: This case is on for sentence  
21 today. Is your client ready for sentence?

22 MR. BERGER: Yes, your Honor.

23 THE CLERK: People wish to be heard before  
24 sentence is imposed?

25 MR. PERRI: Yes, your Honor, the People will

1 be recommending to the Court that the defendant, having  
2 been convicted of a Class B violent sexual felony, be  
3 sentenced to a period of incarceration of 20 years.

4 We have had multiple conversations with the  
5 victim and her mother, Crystal Ramirez, after the trial  
6 was completed. The defendant was convicted. The family  
7 has repeatedly asked us to express to the Court their  
8 desire that the defendant be sentenced to the maximum  
9 period of incarceration of 25 years.

10 Crystal Ramirez, the mother of the child  
11 victim, who was six years old on the date of incident,  
12 expressed that the trauma of having to testify at trial  
13 for both her children that the defendant put them  
14 through, and the ongoing necessity of both therapy for  
15 her daughter, her daughter still referencing the events  
16 that have occurred and expressing fear the defendant  
17 would ever be released from jail, have impelled her to  
18 ask us for a period of maximum incarceration.

19 The People are asking for 20 years, however,  
20 your Honor, in light of the fact that the defendant does  
21 have no prior criminal contact with the criminal justice  
22 system, but this defendant turned down other multiple  
23 recommendations by the People on the B felony, including  
24 five years prior to indictment, ten years prior to  
25 trial, and as he has shown no remorse for his actions

1 and not acknowledged any of his guilt, taking the stand  
2 at the trial and providing implausible, from the  
3 People's position and from the jury's determination, an  
4 implausible story as to how his DNA was on the inside of  
5 Mya Ramirez's underwear in a saliva stain, the People  
6 say that that is an exacerbating circumstance.

7 Additionally, defense counsel elicited  
8 testimony from Mya Ramirez at trial, although the Court  
9 did rule in defense counsel's favor with respect to a  
10 Molineux application of multiple other instances of  
11 sexual contact between this defendant and the child  
12 victim, Mya Ramirez, that included not only oral sex  
13 with which he was charged, but attempted anal sex with  
14 Mya Ramirez, and that there was not simply one instance,  
15 but multiple prior instances that she consistently  
16 testified about in a limited credible manner stating  
17 that there were five other incidents or five total  
18 incidents that had occurred.

19 Your Honor, the Court should take that into  
20 consideration as it considers the character of the  
21 defendant, the nature of the defendant's conduct, and  
22 that he was convicted of one instance that was actually  
23 part of a course of conduct against this child.

24 For these reasons, your Honor, the People ask  
25 the Court to sentence the defendant to a period of

1           20 years of incarceration and that afterwards a maximum  
2           period of post-release supervision, your Honor. Thank  
3           you.

4                   THE COURT: Thank you.

5                   THE CLERK: Counsel, do you wish to be heard  
6           before sentence is imposed?

7                   MR. BERGER: Yes, your Honor. For Mr. Perri  
8           to ask this Court for 20 years, to me is beyond the  
9           realm of sanity, of reasonableness, because the People,  
10          as Mr. Perri stated, asked for five years  
11          pre-indictment, which is the minimum, seven years prior  
12          to trial, and that would mean that they determined that  
13          those minimal sentences were reasonable for these acts  
14          committed, based upon the defendant's lack of any prior  
15          record.

16                   So it's distressing to hear Mr. Perri ask for  
17          that and I would ask the Court to consider in the  
18          remarks that I'm making today on behalf of Mr. Ramos,  
19          that it's Mr. Perri, who has extremely limited  
20          experience in these sex cases, I've been doing it for  
21          nearly 44 years with the Legal Aid Society and  
22          practicing for 50, and for him to make a recommendation  
23          of 20 years under these circumstances, shows to me a  
24          lack of serious judgment.

25                   Now, I would suggest to the Court that

1 Mr. Perri's lack of serious judgment was exhibited  
2 through the trial when, for example, he cited the Ludwig  
3 case to you to support a principle of law --

4 MR. PERRI: Your Honor --

5 MR. BERGER: Excuse me, Mr. Perri, I didn't  
6 interrupt you. This is counsel's argument to the Court.

7 THE COURT: So Mr. Perri, we're going to let  
8 Mr. Berger speak and then you will have a chance to  
9 respond.

10 MR. BERGER: To cite the Ludwig case to the  
11 Court to support a principle that we had a legal  
12 argument during the trial and then it was clearly  
13 evident after reading the case, and the Court as well  
14 acknowledged the Ludwig case didn't apply, just  
15 suggested to me that Mr. Perri engaged in all sorts of  
16 conduct here at this trial that didn't matter whether or  
17 not it was legally arguable. The Ludwig case, he just  
18 threw it out there in the hope that maybe the Court  
19 would buy it.

20 And I understand the Court didn't feel that  
21 Mr. Perri made any bad-faith arguments during the course  
22 of summation. You and I, we respectfully disagree on  
23 that point. I pointed that out at the time. There's  
24 such a thing, Judge, as wanting to win so badly that you  
25 go beyond what's reasonable and you become excessive in

1 your zealous representation of the People. That's what  
2 I suggest to this Court Mr. Perri did. And that's what  
3 I suggest to the Court is evident here during the course  
4 of this recommendation of 20 years.

5 The height of Mr. Perri's bad faith argument  
6 was when he suggested to the jury that our DNA expert  
7 could have tested and made tests to establish whatever  
8 the support for the argument that I had made during  
9 summation. Clearly this was engaging in burden  
10 shifting. Clearly the judge, you had to correct that in  
11 your charge to the jury. So Mr. Perri was either  
12 ignorant of the rules in the County Court and that you  
13 don't engage in burden shifting or he knew about it and  
14 went ahead and did it anyway. In either case, it's a  
15 reflection of Mr. Perri's either poor judgment or  
16 ignorance that he did those things during the course of  
17 this trial.

18 Now, Mr. Perri brings up the fact that there  
19 was a Molineux application. If you recall, Judge, the  
20 Molineux application was -- and of course, Judge, this  
21 is all in the contexts of the defendant never having  
22 done anything here. I understand the jury has spoken,  
23 and I will not contest that at this point. I will  
24 contest it factually, that Mr. Ramos did anything here,  
25 but Mr. Perri, in making a Molineux application to the

1 Court, made the claim that the defendant put his penis  
2 on Mya's butt, not in her butt, on her butt. And then  
3 Mya Hernandez [sic] makes the statement while she's  
4 testifying here at trial, that the defendant put his  
5 penis in her butt five times and then it changes to  
6 three times or two times, but the point is that it now  
7 became in her butt, which is belied by the nurse  
8 examiner's testimony that she thoroughly examined the  
9 girl, thoroughly got a history, no mention of penis in  
10 the butt at all. The physical findings in the medical  
11 report do not show anything about a penis going into the  
12 butt of a six-year old, which would have really caused  
13 some kind of trauma and damage there. None of that was  
14 there. And yet, Mr. Perri adopts that in his summation  
15 to the jury. He actually adopts the statement made by  
16 Mya, which was never made to him, except she made this  
17 claim on the witness stand about pecker in the butt, and  
18 he adopts it.

19 And I suggest, your Honor, there's something  
20 improper about doing that. When you, as a district  
21 attorney, spoke to the witness, know that in fact the  
22 witness has said he put his penis on her butt and then  
23 adopts in summation a claim by Mya which he should know  
24 from the factual evidence from the nurse examiner's  
25 report, can't be true, but he adopts it anyway.



1                   So when you combine that with his burden  
2                   shifting attempt in his summation, I just suggest that  
3                   the recommendation by Mr. Perri should not be taken  
4                   seriously, when, in fact, the People had been ready to  
5                   give him five years pre-indictment and seven years post-  
6                   indictment.

7                   Now, Judge, we've had our legal disagreements  
8                   during the course of this trial, but the jury has  
9                   spoken. You must act accordingly. But I would suggest  
10                  to your Honor that when you have a situation in which  
11                  the minimum is five and the maximum is 25, you can't get  
12                  a better case than this to give the minimum.

13                  Mr. Ramos has led an exemplary life. These  
14                  charges have besmirched his reputation, but other than  
15                  that, we brought in character witnesses, people who are  
16                  not related, who had dealt with Mr. Ramos and he, having  
17                  dealt with their children, had only the kindest and best  
18                  things to say about him.

19                  Mr. Perri would make -- have you believe that  
20                  this is a person who has engaged in this kind of  
21                  reprehensible conduct throughout his life with children  
22                  and that's not demonstrated at all. He couldn't even  
23                  bring in evidence of a negative character of Mr. Ramos  
24                  and he could have done that, but he didn't do it,  
25                  because there was nobody to say anything negative about

1 Mr. Ramos and his dealing with children and his kindness  
2 and gentleness with children, which we demonstrated here  
3 during the course of the trial.

4 So we have a situation in which a man lives an  
5 exemplar life as a bus driver for children. Nobody ever  
6 complains about his behavior towards children there. In  
7 his dealings socially with friends of the family who had  
8 always brought their children over his house, nobody  
9 made any complaints there, but what do we have in this  
10 situation? We have a woman, who even by Mr. Perri's own  
11 admission is crude, classless, in my view, who did so  
12 much damage to her children. Judge, she is the one --  
13 you know, this charge, the charges the defendant with  
14 acts that affect the moral well being of a child. It is  
15 Mya's mother who has done more damage to the moral well  
16 being of not only Mya, but Sincere.

17 Now, often we hear in these cases, if you go  
18 to trial, you have to pay a penalty for going to trial.  
19 And what I'm suggesting to the Court here, this is one  
20 of those rare cases when you have an individual with an  
21 exemplary life, one son who's in the military, another  
22 son who's a working person, and you have somebody with  
23 an exemplary life, you don't punish somebody for going  
24 to trial when he claims he's innocent. The Court  
25 regrettably must impose a sentence of at least five

1 years, but we don't punish people for making them go to  
2 trial.

3 Now, often the argument is by the prosecution,  
4 Mr. Perri didn't say it, but I've dealt with enough of  
5 the sex cases to know, and we want to spare the children  
6 from testifying in court, and yes, that's an argument  
7 that can be made, except that it shouldn't apply to  
8 Mr. Ramos for two reasons. One, he maintains his  
9 innocence and he should be entitled to have a trial by  
10 jury, and two, Mr. Perri wasn't thinking about the  
11 children when he put Sincere on the witness stand.

12 Now, we saw Sincere. Sincere is a victim of  
13 sexual abuse. We know that. That happened to him when  
14 he was three or four years old. We witnessed his  
15 demeanor on the witness stand and on the witness stand,  
16 his head would drop, questions would be asked and ten,  
17 15 seconds would go by before he gave an answer. He'd  
18 look around in an uncomfortable way. This is a  
19 youngster who was really, really in trouble and troubled  
20 and troubled, we know he's troubled. You take a look at  
21 Mya, Mya's demeanor was nothing like that at all. These  
22 things were fictions made up.

23 I made my argument in summation. I understand  
24 the jury has spoken, but when you take a look at Mya --  
25 by the way, Mr. Perri talks about therapy, Mya was going

1 to therapy in this place, in the South Shore Guidance  
2 Center, before any charges here were even made.

3 Now, we were not privy to that, I understand,  
4 but the point is, don't talk about therapy required for  
5 the children and therefore, they want 20 years or  
6 25 years, when she was going to therapy before this  
7 incident was even charged. And I'm suggesting to the  
8 Court that it was Mya and Sincere's mother who was a  
9 drinker, a smoker, a partier. Mr. Ramos would baby-sit  
10 for the kids when she went out partying. You heard  
11 testimony with respect to what little regard she had for  
12 her children at times when she was doing the drinking  
13 and partying. I mean, this is the person who has done  
14 more moral damage to the children than anyone.

15 Now, I just would like to point out that while  
16 it does go to the credibility of Mya, and that's not an  
17 issue now for the sentence, but you should be aware of  
18 the following, Judge. The probation report that I have  
19 read suggests that not only did the defendant do what is  
20 claimed he did in licking her cuchi on the date in  
21 question, but the probation report also says that Mya  
22 says Mr. Ramos forced her to lick his pecker. That was  
23 the language there. Then we have the claim about penis  
24 on the buttock, then we have the claim about the penis  
25 -- the pecker in the butt.

1           So we now have four different claims of acts  
2           claimed by this girl, only one other one was given to  
3           Mr. Perri by Mya two months or -- one to two months  
4           prior to the beginning of the trial, and that was pecker  
5           on the butt. So we have a young girl whose credibility  
6           is seriously in question and if the People are going to  
7           attempt to claim, as Mr. Perri did, about other acts  
8           that had gone on, then you must take into consideration  
9           the fact that from my perspective, there were no other  
10          acts, that the credibility of Mya is in serious doubt,  
11          now that we've added a fourth sexual act that was  
12          alleged to have occurred.

13           The fact of the matter is that the person to  
14          blame primarily for all of this is Crystal Ramirez, Mya  
15          and Sincere's mother. She was present when Sincere was  
16          violated when he was three years old, actually in the  
17          room when his uncle forced Sincere to engage in sexual  
18          acts. And that's why we see Sincere here.

19           So if Mr. Perri was caring about the well  
20          being of a child and the trauma to Sincere, he should  
21          never have put him on, because all Sincere did was get  
22          up there and a give ridiculous testimony about he denied  
23          it, he denied it, he denied it and then he admitted it.  
24          And nobody else confirmed that. He was standing on the  
25          porch with Crystal and Mya, though Mya is too young

1 perhaps to remember that, but Crystal never said that  
2 that's what Daniel Ramos said. It wasn't really  
3 necessary to put him on the witness stand. In fact, the  
4 expert called by Mr. Perri talked about engaging in  
5 conduct that enables you to gain the confidence of the  
6 parents so you can be alone with them and do whatever  
7 sexual acts you want. That didn't even happen here.  
8 Sincere was in the house, Crystal was there and Crystal,  
9 according to her testimony, was expecting all kinds of  
10 people to come over, because there was the death of a  
11 friend. So where was this devious act to try to get Mya  
12 alone? It wasn't there. It doesn't exist. What I'm  
13 suggesting is that if anybody is guilty of doing damage  
14 to these children, it's Crystal.

15 Now, finally, Judge, it seems to me that if  
16 the legislature passes the law that says five is the  
17 minimum and 25 is the max, you should not penalize  
18 Mr. Ramos for going to trial and exercising his  
19 constitutional right to a trial by jury. I think if you  
20 were to give him the minimum, which the People were okay  
21 with five pre-indictment, and they were okay with seven  
22 post-indictment. What Mr. Perri is saying to you is  
23 that we should penalize a person for going to trial.

24 Now, I understand that's the rule in  
25 95 percent of the cases, because very often we have

1           somebody with a prior record and he doesn't like the  
2           numbers, he goes to trial. But when you have somebody  
3           with an unblemished record, pristine record, going to  
4           trial in a case like this, it seems to me, Judge, you  
5           should not impose a punishment for going to trial under  
6           these circumstances.

7                     THE COURT: Thank you, Mr. Berger.

8                     Mr. Perri, let me just hear from -- actually,  
9           Mr. Perri, go ahead and make your record. Just don't  
10          rehash the trial, I sat through it. Just with regards  
11          to what you feel needs to be addressed.

12                    MR. PERRI: Your Honor, the People would just  
13          like to put on the record that they dispute the  
14          characterization of the defense of the testimony that  
15          was put forth at trial and urge the Court to disregard  
16          the multiple unfounded, irrational personal attacks by  
17          the defense on the People, on the prosecution in this  
18          case and on Crystal Ramirez, the mother of the victim.

19                    The People are not asking the Court to punish  
20          the defendant for exercising his constitutional rights.  
21          The People's recommendation of five prior to indictment,  
22          seven years prior to hearing and ten priors to trial,  
23          years of incarceration, are reasonable, that as defense  
24          counsel has just exhibited, shows in his argument, the  
25          defendant has no remorse for his actions and does not

1 accept any responsibility for his actions and that is  
2 the reason why by going to trial and still to this day  
3 not accepting responsibility, an enhanced level of  
4 punishment for that and for putting the children through  
5 the trial is required, your Honor.

6 THE COURT: Thank you.

7 MR. BERGER: Judge, just to response to the  
8 last comment.

9 THE COURT: You have one minute.

10 MR. BERGER: What Mr. Perri is saying is that  
11 he has no remorse. Does Mr. Perri not realize that  
12 people go to trial who are innocent? Does he not  
13 recognize that the system is flawed and sometimes the  
14 innocent get convicted? Does he not realized that new  
15 evidence, DNA and other evidence coming to light years  
16 later after convictions exonerate people? Mr. Perri  
17 expect Mr. Ramos to admit and be remorseful when his  
18 position is that he didn't do anything and didn't do  
19 what was charged here? I mean, that just again,  
20 reflects an unrealistic evaluation and analysis of what  
21 happens here in this court system.

22 THE COURT: All right. Thank you.

23 Please ask the defendant if he would like to  
24 speak.

25 THE CLERK: Mr. Ramose, is there anything that



1           you wish to say before sentence is imposed?

2                   THE DEFENDANT: I just used to help the woman.  
3           I just used to help the mother with her child[sic] and  
4           I didn't want anything in return on good faith. I just  
5           used to help her, without getting anything back from  
6           her, not even a favor from her. Everything they are  
7           saying here, what he says is just lies.

8                   THE COURT: All right. Thank you. Let me  
9           just start by saying that when the Court imposes a  
10          sentence after trial, it is not imposing a sentence that  
11          is a penalty for an individual going to trial. There is  
12          no place for that and that is not how this Court  
13          operates. So this sentence is not in any way, shape or  
14          form a penalty for going to trial. Rather, it will be a  
15          sentence that is allowed by the legislature when it put  
16          forth the sentencing guidelines for a conviction for  
17          this level felony.

18                   Second, let me say that what could be  
19          characterized and what Mr. Perri characterized as the  
20          personal attacks against him during this sentencing  
21          procedure is also going to play no part in the Court's  
22          sentencing. I will state, however, that throughout the  
23          trial, I did not find that the People acted in bad faith  
24          at any turn, nor did I find that Mr. Berger acted in bad  
25          faith at any turn.

1           That being said, let me turn my attention to  
2           Mr. Ramos. I say to you, sir, and I note from the  
3           probation report, that you profess your innocence, and  
4           after a jury has found you guilty, you profess your  
5           innocence, despite your statement to the police, a  
6           statement you admit is yours, but for those sentences  
7           that specifically mention the criminal activity. You  
8           profess your innocence, despite the fact that your DNA  
9           was found on the inside of the child's underwear in the  
10          vaginal area. You put forth an expert regarding that  
11          DNA and the jury clearly rejected your explanation as to  
12          how your DNA got on that part of the underwear.

13           You told this jury how you barely spoke  
14          English, yet you interacted with this family, who only  
15          spoke English, on a daily basis. You say you barely  
16          spoke English, yet you had a job that required you to  
17          have a command of the English language. You have told a  
18          tale at every turn, trying to blame everyone but  
19          yourself, going so far as to have your attorney blame  
20          the mother here at sentencing.

21           You have shown no remorse. You have accepted  
22          no responsibility. The jury has spoken and now the  
23          Court will speak.

24           It is the judgment of this Court that for the  
25          crime of criminal sexual act in the first degree, a

1 Class B violent felony, in violation of Penal Law  
2 section 130.50, subdivision 3, for which you stand  
3 convicted under indictment number 742N of 2014, and in  
4 satisfaction thereof, you are hereby sentenced to  
5 15 years of incarceration with ten years of post-release  
6 supervision. That will keep you under the watchful eye  
7 of law enforcement for the next 25 years.

8 On the charge of endangering the welfare of a  
9 child, a Class A misdemeanor, in violation of Penal Law  
10 section 260.10, subdivision 1, you are sentenced to one  
11 year incarceration, to run concurrent to the 15 years.

12 There will be a \$300 surcharge, a Crime Victim  
13 Assistance fee of \$25, a DNA fee of \$50, a SORA fee of  
14 \$50 and a supplemental Crime Victim Assistance fee of  
15 \$1,000.

16 There will be a permanent order of protection  
17 issued in this case. People, I ask you to get that  
18 ready shortly.

19 MR. PERRI: We have already handed it up, your  
20 Honor.

21 THE COURT: Very good, and we will adjust the  
22 year accordingly for the sentence.

23 Additionally, Mr. Ramos, you will be subject  
24 to sex offender registration at the time of your release  
25 from incarceration and you are ordered to pay

1           restitution in the amount of \$190.44. That is payable  
2           to Medicaid slash --

3                     MR. BERGER: I didn't get the sum, Judge.

4                     THE COURT: \$190.44 and that is payable to  
5           Medicaid/DS, and Mr. Berger, if you need the statement  
6           that shows that amount, we can provide a copy to you  
7           with regards to that.

8                     MR. BERGER: Yes, I would like that.

9                     THE COURT: All right, and we'll make sure we  
10          take care of that.

11                    Mr. Berger, do you want the fees and  
12          surcharges by civil judgment?

13                    MR. BERGER: I do, please.

14                    THE COURT: All right. But I am going to  
15          allow it to be taken out of inmate funds.

16                    THE CLERK: Is he right-handed or left-handed?  
17          We need him to sign the order of protection.

18                    THE COURT: All right. The defendant has  
19          signed in open court the order of protection, which he  
20          will receive a copy of shortly.

21                    Mr. Ramos, just so you hear it from the Court,  
22          you are ordered to stay away from the individual listed  
23          in this order, Miss Mya Feliciano Ramirez, wherever she  
24          might be, including her home, school, place of business  
25          and place of employment. You cannot get in touch with

1 Miss Ramirez in any way, shape or form, no letter  
2 writing, no telephone calls, no electronic communication  
3 and you cannot ask friends, family members, fellow  
4 inmates or even perfect strangers to get in touch with  
5 her on your behalf.

6 Additionally, you cannot commit any of the  
7 acts listed in this order against Miss Ramirez and upon  
8 your release from incarceration, if you are in  
9 possession of any of the weapons listed in this order,  
10 you must surrender them to the Nassau County Police  
11 Department.

12 This order is valid through July 23rd of 2038.  
13 Do you understand the restrictions placed upon you,  
14 Mr. Ramos, by this order?

15 THE DEFENDANT: Yes, I understand.

16 THE COURT: The Court is signing the order and  
17 it is now issued.

18 People, anything else for the record?

19 MR. PERRI: No, your Honor.

20 THE COURT: Mr. Berger, anything else for the  
21 record?

22 MR. BERGER: No, your Honor.

23 THE COURT: Thank you. Good luck to you, sir.

24 THE CLERK: Mr. Ramos, you have the right to  
25 appeal from this sentence and these proceedings. If you

1 wish to appeal, you must file your notice of appeal with  
2 the clerk of this court within 30 days. If you cannot  
3 afford a lawyer or the minutes of these proceedings, you  
4 may make application to the Appellate Division which  
5 will, upon being satisfied that you cannot afford the  
6 same, order that an attorney be appointed and the  
7 minutes provided without any charge to you. Your lawyer  
8 is directed by the Court to advise you in full and to  
9 take necessary steps the indicated by you in this  
10 regard.

11 And let the record reflect that I am serving  
12 upon the defendant a copy of the order of protection. I  
13 am also serving defense counsel with a copy and the  
14 People with two copies of the order of protection.

15 MR. BERGER: Acknowledge receipt. Let the  
16 record reflect that we do intend to appeal this matter.  
17 Our office will appeal it.

18 \* \* \*

19 I, Cindy Kaye-Fink, Senior Court Reporter, hereby  
20 certify that the foregoing is a true and correct transcript  
21 of the within proceedings.

22

23

24

25

  
Cindy Kaye-Fink  
Senior Court Reporter